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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/573,631	03/28/2006	Giovanni Nicolosi	3652	5667

7590  
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103 East Neck Road  
Huntington, NY 11743

06/19/2009

EXAMINER
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RAMSEY, JEREMY C

ART UNIT	PAPER NUMBER
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3634

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/573,631	<b>Applicant(s)</b> NICOLOSI, GIOVANNI	
	<b>Examiner</b> JEREMY C. RAMSEY	<b>Art Unit</b> 3634	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 March 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,4 and 5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4 and 5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/11/2009 has been entered.

***Claim Objections***

1. The previous objections to the claims are withdrawn.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saint Gobain FR 1,313,315 in view of Petro 1,274,768, Schmidt 6,354,354 van der Zanden 4,979,552 and Jelic 5,184,660.

4. In re claim 1, with reference to Figures 1,2 and 6 Saint Gobain '315 discloses a system for operating a plain blind comprising:

- A chamber enclosed by panes of glass (1)(2) surrounded by a frame (3) consisting side hollow bars and four corner pieces (12).

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- A blind roller (5) supported inside the chamber wherein a first end of the blind (6) is fixed to the roller (5).

5. Saint Gobain '315 fails to disclose:

- A kinematic mechanism placed inside an oblong body of one corner piece comprising three mutually engaged pinions , one of these a first pinion axially connected to the blind roller .
- A first box with a first pulling means inside the first box including a helical spring wound around a spring roller, axially connected to a second pinion of the kinematic mechanism by interposition of an intermediated idle third pinion.
- A second pulling means comprising a mobile bar fixed to a second end of the blind, a second box supported inside the chamber fixed to the second end of the frame, a cord having one end fixed to a center of the mobile bar and a second end fixed to a cord roller, a first pin axially engaged with a first end of the cord roller and a shaft of a rotating device disposed in the second box, and a threaded bushing fixed to a second end of said cord roller that screws into a threaded bar fixed to the frame.

2. With reference to Figure 2, van der Zanden 4,979,552 discloses:

- A kinematic mechanism placed inside an oblong body of one corner piece comprising three mutually engaged pinions , one of these a first pinion axially connected to the blind roller (48). (column 2, lines 49-68)

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- A first box (36) supported inside the chamber fixed to a first end of the frame.
- A first pulling means (38) supported inside the first box axially connected to a second pinion of the kinematic mechanism by the interposition of an intermediate idle third pinion.

6. With reference to Figure 1, 2 and 3 Petro '768 discloses:

- A pulling means including a helical spring (15) wound around a spring roller (12), axially connected to a second pinion (11) of the kinematic mechanism.

With reference to Figure 5, Schmidt 6,354,354 discloses:

- A second pulling means (EM)(M3)(M4) fixed to a second end of the frame opposite a first end and a mobile bar (E0) fixed to a second end of the blind.

With reference to Figures 1, 2 and 5, Jelic '660 discloses:

- A pulling means comprising box (12), a cord (72) having one end fixed to a center of the mobile bar (80) and a second end fixed to a cord roller (34), a first pin (48) axially engaged with a first end of the cord roller (34) and a shaft (68) of a rotating device (54) disposed in the second box, and a threaded bushing (36) fixed to a second end of said cord roller that screws into a threaded bar (32) fixed to the frame for translating the cord roller (34) axially.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the kinematic mechanism as taught by van der Zanden '552 in order to transmit motion from the pulling means to the roller in order to move the shade as well as provide a gear reduction or increase.

It would have been obvious to one having ordinary skill in the art at the time the invention was made; to make the first pulling means to include a helical spring would around a roller as taught by Petro '768 in order to serve as a mechanism to rewind the shade. (column 2, lines 95-106)

7. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a second pulling means at the second end of the frame as taught by Schmidt '354 in order to move the blind up and down in the casing frame.

3. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the second pulling means include the cord fixed to a mobile bar, with a threaded bushing fixed to a threaded bar as taught by Jelic '660 in order to allow the tube to be rotated until it can no longer travel in a longitudinal direction. (column 3, lines 48-56) A manual pulling means would further eliminate the need for electricity or batteries.

8. In re claim 2, with reference to Figures 1 and 5, Jelic '660 discloses:

- Comprising an arched support (44) held inside the box (12); the arched support (44) hooked to the center of the cord roller (34).

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9. In re claim 4, with reference to Figure 1, Petro '768 discloses:

- Wherein another end of said helical spring (15) is connected to a fixed support (4) inside the first box.

10. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saint Gobain FR 1,313,315 in view of Petro 1,274,768, Schmidt 6,354,354 van der Zanden 4,979,552 and Jelic 5,184,660 as applied to claim 1 and further in view of Nicolosi 5,769,142.

11. In re claim 5, the system of Saint Gobain/Petro/Schmidt/Van der Zanden/Jelic has been discussed but fails to disclose:

- Said rotating device includes a first magnetic disk and a second magnetic disc matched with the first magnetic disk through a pane that is rotated by external operating means comprising a worm screw and pinion adapted for orthogonal coupling

12. With reference to Figures 2 and 4, Nicolosi '142 discloses:

- Said rotating device includes a first magnetic disk (76) and a second magnetic disc (72) matched with the first magnetic disk through a pane (13) that is rotated by external operating means comprising a worm screw (71) and a pinion (52) adapted for orthogonal coupling.

13. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the first and second magnetic disks rotated by an external means as taught by Nicolosi '142 in order to provide an actuation means adaptable to operate Venetian blinds inside a sealed chamber. (abstract)

***Response to Arguments***

Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

In response to the applicants arguments that the reference of Petro does not disclose a chamber enclosed by panes and surrounded by a frame, or that Jelic does not disclose a second box supported inside a chamber enclosed by panes , one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to the applicant's argument that it would not be obvious to combine the kinematic mechanism with the reference of Saint Gobain, because Saint Gobain requires the spring to be coaxial, the examiner respectfully disagrees. Moving the spring to be engaged to the roller through a series of pinions would be a change within the capabilities of one having ordinary skill in the art, and would be obvious for the reasons shown above such as providing a gear reducing effect or increased lifting potential.

In response to the applicant's argument that the Jelic reference is only applicable as a top mounted pulling means, the examiner respectfully disagrees. Applicant states that it is for pulling against either the weight of the blinds or a torque generated by springs, which is what it would be doing when combined with the other references. It would be acting against the pull of the torsion spring. In response to the applicant's argument that it is only applicable to collapsible and venetian blinds, it is obvious that a

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blind or shade can be retracted in the same manner around a roller.

### ***Conclusion***

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEREMY C. RAMSEY whose telephone number is (571)270-3133. The examiner can normally be reached on Monday-Friday 6:30 am-4:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KATHERINE W MITCHELL/  
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Examiner, Art Unit 3634